

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISIDITION

WRIT PETITION NO.8061 OF 2004

Balu Ganpat Kale ..Petitioner

Vs.

Shri.Sakharam Tukaram Kale
and others ..Respondents

.....
Mr.Umesh Mankapur with Mr.R.V.More for Petitioner
Mr.Uday Warunjikar for Respondent nos.1 and 2
.....

CORAM : B.H.MARLAPALLE, J.

DATE : JANUARY 28,2005

P.C.:

1. Heard Mr.More, the learned counsel for the petitioner who has challenged the order dated 4.3.2004 passed by the Civil Judge J.D. at Igatpuri by which the objection application at Exhibit-11 came to be rejected holding that the doctrine of res-judicata as claimed by the present petitioner, is not applicable.

2. Having regard to the relief sought for in R.C.S.No. 68 of 2002 and say filed by the plaintiffs to the application at Exhibit-11, the view taken by the trial Court in the impugned order, does not

suffer from any errors, leave alone, gross errors. Hence, there is no case to cause interference under Article 227 of the Constitution of India.

3. Petition is rejected summarily.

[B.H.MARLAPALLE, J.]